

UNITED STATES DISTRICT COURT

for the
District of MontanaFILED
BILLINGS DIV.

2011 MAY 23 PM 2 41

United States of America

v.

Michael Bryant, Jr.

Case No.

PATRICK E. DUFFY, JR.
DEPUTY CLERK
NW-11830-BU-CSODefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 2011 - May 7, 2011 in the county of Rosebud in the
District of Montana, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code Section 117(a)(1)	Count 1, Domestic assault by an habitual offender
Title 18, United States Code Section 117(a)(1)	Count 2, Domestic assault by an habitual offender

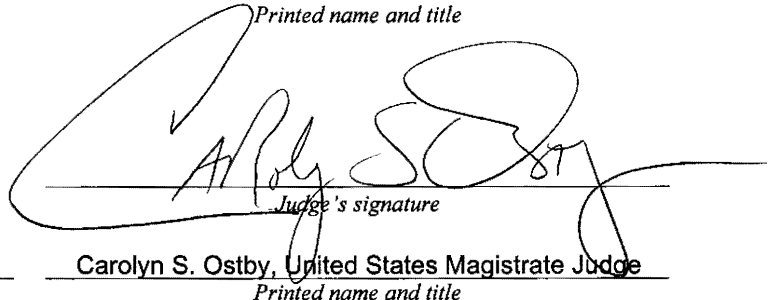
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.
Complainant's signature

Timothy J. Boruff, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/23/2011
Judge's signatureCity and state: Billings, Montana

Carolyn S. Ostby, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

UNITED STATES OF AMERICA,)
Plaintiff,)
VS.)
Michael Bryant, JR.)
Defendant)

AFFIDAVIT

I, Timothy J. Boruff, being duly sworn, depose and say as follows:

1. I am a Special Agent with the Federal Bureau of Investigation assigned to the Billings, Montana Resident Agency. I have been a Special Agent for approximately 3 years. During this time I have investigated numerous offenses involving violations of Federal law, including offenses enumerated under Title 18 of the United States Code.
2. I have been assigned to investigate the alleged domestic assaults of two separate females, which took place in Birney, Montana, on the Northern Cheyenne Indian Reservation (NCIR), between February 2011 and May 7, 2011.
3. The information set forth in this affidavit is known to me as a result of an investigation conducted by myself and the Bureau of Indian Affairs Office of Justice Services (BIA). In

1 addition, I have reviewed various law
2 enforcement reports and spoken with other law
3 enforcement personnel associated with this
4 investigation. I have not included each and
5 every fact known in this investigation, but only
6 those facts necessary to establish probable
7 cause to believe between February 2011 and May
8 7, 2011, Michael Bryant, Jr., having been
9 convicted on at least two prior occasions for
10 domestic violence, on more than one occasion,
11 knowingly engaged in an assault against two
12 intimate partners, in violation of Title 18,
13 United States Code Section 117(a)(1).

14 4. Count 1

15 On May 4, 2011, I was contacted by BIA Special
16 Agent (SA) Kevin Pohawpatchoko and informed
17 Michael Bryant, Jr., hereinafter referred to as
18 Bryant, was arrested on 02/28/2011 on tribal
19 charges related to domestic abuse against a
20 female partner (F1), but was released from
21 custody pending trial. SA Pohawpatchoko
22 provided copies of NCIR tribal court disposition
23 sheets which contained the sentencing dates for
24 five (5) prior tribal convictions of domestic
25 violence for Bryant.

26 5. On 05/06/2011 SA Pohawpatchoko conducted an
27 interview with F1 regarding a February 2011
28 assault at Bryant's residence in Birney. F1

1 advised on February 25, 2011, during an
2 argument, Bryant grabbed and drug F1 off a bed
3 onto the floor. Bryant then pulled F1's hair,
4 repeatedly punched and kicked her, and even bit
5 F1's fingers. Eventually Bryant stopped and
6 threatened to hurt F1 if she told anyone.

7 6. Count 2

8 On May 7, 2011, I was contacted by SA
9 Pohawpatchoko and informed Bryant had been
10 arrested earlier that morning by BIA on another
11 domestic abuse charge related to his current
12 female partner (F2).

13 7. On May 9, 2011, I interviewed F2 with BIA SA
14 Pohawpatchoko regarding being assaulted by
15 Bryant in Birney, Montana. F2 advised on May 7,
16 2011, Bryant woke F2 yelling at her. Bryant
17 grabbed F2 with both hands by the throat and
18 choked her until she almost passed out. F2 got
19 away from Bryant and left the residence. F2
20 described an earlier incident in April 2011.
21 After F2 accidentally broke a bedroom window,
22 Bryant became upset with her and slapped her
23 several times in the face. F2 described a third
24 incident when F2 was playing cards with a friend
25 at Bryant's residence, and Bryant became upset.
26 Bryant grabbed F2 by the hair and threw her to
27 the ground and dragged F2 by the hair across the
28 floor. F2 noted all the assaults occurred at

1 Bryant's residence in Birney, Montana.

2 8. Defendants Statement

3 On May 9, 2011, I interviewed Bryant with BIA SA
4 Pohawpatchoko while Bryant was in tribal
5 custody. After being read his Miranda Rights,
6 Bryant waived his rights and agreed to speak
7 with us without an attorney present. During the
8 interview, Bryant advised he engaged in five (5)
9 or six (6) physical assaults against F1 during
10 the one and one-half (1 ½) years they lived
11 together in Birney, with the most recent
12 occurring in February 2011. Bryant stated
13 during the February assault he both slapped and
14 punched F1 in the face and chest area during an
15 argument. Bryant then advised he had engaged in
16 a physical assault against F2 on three (3)
17 separate occasions between March and May 7,
18 2011, while they lived together in Birney.
19 Bryant advised during these assaults he had
20 either punched, slapped or choked F2. Bryant
21 noted he had been drinking alcohol before each
22 of these incidents took place.

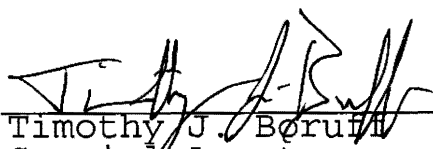
23 9. Through my knowledge, training and experience I
24 attest Bryant's home, located in Birney,
25 Montana, is in the State and District of Montana
26 and within the exterior boundaries of the NCIR.

27 10. A review of court records in the Northern
28 Cheyenne Trial Court of and for the Northern

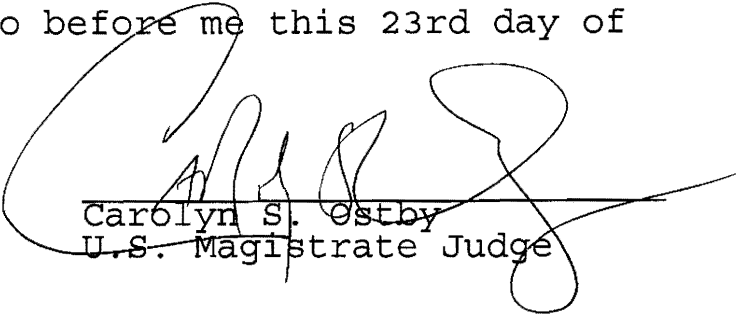
1 Cheyenne Tribe, Lame Deer, Montana, revealed
2 convictions on domestic abuse for Bryant in
3 February 2007, February 2005, July 2003,
4 September 2002, and March 2002.

5 11. I therefore submit there is probable cause to
6 believe that between February 2011 and May 7,
7 2011, Michael Bryant, Jr., having been convicted
8 on at least two prior occasions for domestic
9 violence, on more than one occasion, knowingly
10 engaged in an assault against two intimate
11 partners, in violation of Title 18, United
12 States Code Section 117(a)(1).

13
14 Respectfully submitted,

15
16 
17 Timothy J. Boruff
18 Special Agent
19 Federal Bureau of
20 Investigation
21 Billings, Montana

22 Subscribed and sworn to before me this 23rd day of
23 May, 2011.

24 
25 Carolyn S. Ostby
26 U.S. Magistrate Judge
27
28